

**BEFORE THE FEDERAL ELECTION COMMISSION**

**FEB 28 2008**

In the Matter of

MUR 5967

DAVID W. ROBINSON

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

and are deemed inappropriate for review by the Alternative Dispute Resolution

Office are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated

matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to

dismiss these cases.

The Office of General Counsel scored MUR 5967 as a low-rated matter. In this case,

the complainant, Corey E. Corbin, alleges that David W. Robinson, a "self-declared"

candidate for the 12<sup>th</sup> Congressional District of Ohio, failed to file a Statement of Candidacy

and Statement of Organization with the Commission. Additionally, Mr. Robinson's

biography and position papers have a "Robinson for Congress" logo, but lack the required

disclaimer regarding who authorized the information to be printed. Finally, the complainant

alleges that Mr. Robinson's campaign website, [www.robinson2008.com](http://www.robinson2008.com), does not properly

disclose on every page of the site who paid for and authorized the site, as required under the

Commission's regulations.

Mr. Robinson responded by pointing out that he filed his Statement of Candidacy on

January 16, 2008, and his Statement of Organization on January 18, 2008. Furthermore,

Mr. Robinson stated in his response that the documents referred to by the complainant as lacking appropriate disclaimers were retrieved from his campaign's website and, therefore, fell under the general disclaimers that were already affixed to his website. Specifically, Mr. Robinson noted that his biography page, home page, and contribution page provided a disclaimer that read, "Paid for by Robinson for Congress." Finally, Mr. Robinson observed that although the Commission requires disclaimers on campaign websites under 11 C.F.R. § 110.11, it does not mandate that such disclaimers appear on every page.

In this case, Mr. Robinson appeared to have filed his Statements of Candidacy and Organization at the same time the complainant was filing his complaint. The attachments to the complaint suggest that the candidate may have held himself out as a candidate for federal office four days prior to filing his Statement of Candidacy. As for the alleged disclaimer violations, it appears from Mr. Robinson's response that there were disclaimers already placed on the pertinent web pages referred to by the complainant (i.e., biography page, home page, and contribution page).

In light of the de minimis nature of the alleged violations, and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

#### **RECOMMENDATION**

The Office of General Counsel recommends that the Commission dismiss MUR 5967, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and

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General Law and Advice the necessary time to prepare the closing letters and the case file for  
the public record.

Thomasenia P. Duncan  
General Counsel

2/26/08  
Date

BY:

Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

Attachment:  
Narrative in MUR 5967

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3  
4 **MUR 5967**

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6 **Complainant:** Corey E. Corbin

7  
8 **Respondents:** David W. Robinson  
9 Robinson for Congress and  
10 Scott Shaeffer, as Treasurer  
11

12 **Allegations:** The complainant, Corey E. Corbin, alleges that David W. Robinson, a  
13 "self-declared" candidate for the 12<sup>th</sup> Congressional District of Ohio, failed to file a  
14 Statement of Candidacy and Statement of Organization with the Commission.  
15 Additionally, Mr. Robinson's biography and position papers have a "Robinson for  
16 Congress" logo, but lack the required disclaimer regarding who authorized the  
17 information to be printed. Finally, the complainant alleges that Mr. Robinson's campaign  
18 website, www.robinson2008.com, does not properly disclose on every page of the site  
19 who paid for and authorized the site, as required under the Commission's regulations.  
20

21 **Response:** Mr. Robinson responded by pointing out that he filed his Statement of  
22 Candidacy on January 16, 2008, and his Statement of Organization on January 18, 2008.  
23 Furthermore, Mr. Robinson stated in his response that the documents referred to by the  
24 complainant as lacking appropriate disclaimers were retrieved from his campaign's  
25 website and, therefore, fell under the general disclaimers that were already affixed to his  
26 website. Specifically, Mr. Robinson noted that his biography page, home page, and  
27 contribution page provided a disclaimer that read, "Paid for by Robinson for Congress."  
28 Finally, Mr. Robinson observed that although the Commission requires disclaimers on  
29 campaign websites under 11 C.F.R. § 110.11, it does not mandate that such disclaimers  
30 appear on every page.  
31

32 **General Counsel's Note:** The respondent placed disclaimers on his campaign site's  
33 home page, biography page, and contribution page. Thus, it appears that the website at  
34 least comported with the requirement that disclaimers be "clear and conspicuous," as  
35 provided under 11 U.S.C § 110.11(c).  
36

37 **Date complaint filed:** January 24, 2008  
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39 **Response filed:** February 13, 2008  
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